## Miller & Rhoads

## Read This List for Bargains In **Odds** and **Ends**

White Goods Remnants

Wash Goods Remnants

Outing Flannel and Flannelette Remnants

Wool, Flannels and **Eiderdown Remnants** 

28c to 35c grades, 17c yard.

Cotton and Sheeting

Remnants

# At about half the full piece prices.

### Our Embroidery Short Pieces and Rem-Department nants of Dress Goods and Silks

has moved to the second floor, Sixth Street side, opposite the elevator and adjacent to the Muslin Underwear

The business has grown to such The business has given to such proportions that more room was required in which to handle it, and the new location enables us to give double the space to Embroideries that they formerly had.

## AUSTIN JOHNSON GETS NEW TRIAL

29e to 50e Dress Goods, 19c yard. The to \$1.00 Dress Goods, 50c yard.

\$1 to \$1.50 Dress Goods, 75c yard.

Supreme Court of Appeals Hands Down Interesting Opinion in His Case.

MECHANICS' LIEN DECISION

Norfolk Tax Case Decided in Favor of the City of

### Was Not Identified.

sailed her; he on the following morning was found by two detectives, who had set out to arrest him, in a shanty at a brickyard in the vicinity, where he was accustomed to stay at alght with a friend. One of the detectives testified that while his companion had gone to the house of the owner of the brickyard to telephone for the patrol wagon, the necused man got up from the bunk where he was lying, went to the fireplace and kindled a fire; that he then went to the corner of the room, pulled down some doth from the loft above, put it in the fire and hurned it. The tendency of this evidence was to show that the prisoner hurned some of the garments to destroy evidences of the crime, and burnt pieces of cloth were produced at the trial, which the detective claimed to have gotten from the fireplace, and identified by an expert as portlons of underwear.

The evidence discovered after the trial, referred to in the opinion of the court, is contained in the affidavits of the manninging overseer of the brickyard, who states that he went with the detective. was found by two detectives, who had

Is contained in the amdavits of the manual overseer of the brickyard, who states that he went with the detective to the shanty, where Johnson was, on the day referred to, and that there was no fire of any kind in the shanty, and no signs of any fire having been there; that nothing was said by the detective about the burning of the bundle of underwear; and that on the next day, when he again went with them to the shanty, they took from a small accumulation of old ashes in the fireplace something which resembled a piece of burnt ribbon, and which they said was all they took from the fireplace.

The court is of actions. place.
The court is of opinion that the in-

### Not Legally Dead.

In the case of Selden's executor vs. Kennedy, from the Court of Law and Kennedy, from the Court of Law and Chancery of the city of Norfolk, Judge Buchanan delivering the opinion, the court held that a person cannot be declared legally dead and letters of administration granted upon his estate after he has for seven years absented himself from the State, as such action would be ha violation of the fourteenth amend that to the Constitution of the United Vates, which prohibits the depriving of July person of life, liberty or property without due process of law.

In this case Dr. William Sedden begreathed to Charles H. Kennedy, \$1,500, 100.

and, Kennedy dying before the testator, his three surviving children became entitled to the legacy. Two of the children were paid their portion. Upon proof that C. E. Kennedy, the other child, had been a resident of the State, but had been gone from it more than seven years without returning, the Corporation Court of the city of Norfolk, on January 7, 1895, decreed that he was and should be predyumed to be dead, and appointed his brother administrator of his estate. A few days after his appointment the administrator collected his brother's share of the legacy from D. Sedden's surviving executor. In 1894, C. E. Kennedy, who had been absent from the State for many years, made demand upon the executor for his share of the legacy, and upon his refusal to pay it, instituted suit against him, which resulted in Kennedy's obtaining a decree for the sum demanded.

ing a decree for the sum demanded,
Section 2372 of the Code provides: "If
any person who shall have resided in
this State go from and do not return to
the State for seven years successively,
he shall be presumed to be dead in any
case wherein his death shall come in
question, unless proof be made that he
was alive within that time." A doubt
is expressed by the court as to whether
the Legislature intended by that statute
to authorize the courts to grant letters

### Norfolk Tax Case.

In the case of Selden, substituted trus-tee, vs. Brooks, collector, from the Court of Law and Chancery of the city of Nor-lok, the court, Judge Whittle delivering the opinion, affirmed the decision of the

### Mechanics' Liens.

In the case of Sands, trustee, vs. Stagg and others, from the Chancery Court of

the decision of the lower court.

This is an appeal from a decree rendered in three chancery causes heard together, the object of all of them being to subject a lot and five houses built thereon to the payment of mechanics and builders liens, asserted by the complainants, for materials furnished and work dene in the erection of the houses,

Error is assigned to the court in overtaining the denurrer to the bills filed in the everal causes.

Several causes.

a first is that the bills fail to althat the sults were instituted within our morths from the time the whole

"Where the record shows at the time

### THE LITTLE WIDOW. A Mighty Good Sort of Neighbor to Have

"A little widow, a neighbor of mine, persuaded me to try Grape-Nuts when my stomach was so weak that it would not retain food of any other kind," writes a grateful woman, from San Ber-nardino county, Cal.

writes a grateful woman, from San Berlardino county, Cal.

"I had been ill and confined to my
led with fever and nervous prostration
or three long months after the birth of
ny second boy. We were in despair
nutil the little widow's advice brought
clief.

"I liked Grape-Nuts food from the bedinning and to an incredible the

"I liked Grape-Nuts food from the beginning, and in an incredibly short time it gave me such strength that I was able to leave my bed and enjoy my three good meals a day. In two months my weight increased from 95 to 113 pounds, my nerves had steadled down, and I fettready for anything. My neighbors were amazed to see me gain so rapidly, and still more so when they heard that Grape-Nuts alone had brought the change.

"My four-year-old boy had eczema, yery bad, last spring and lost his appe-

# Buster Brown and Mary Jane.

uine Buster Brown feature by Richard F. Outcault. This page for next Sunday will be found especially entertaining. Mary Jane is on a visit to Buster, and her introduction to the family is attended with some rather trying experiences. Everybody, old and young, will be interested in the experiences of these two young characters.

the bill is demurred to that the suit was instituted within the period fixed by the statute, there is no good reason for requiring the bill to allege that fact, since the court will take judicial notice of when the suit was instituted, as well as of all other proceedings in the cause."

The other ground of demurrer is that the bills failed to allege that the complainants gave notice of the amount and character of their claims to Mahony, the owner of the land, as required by section 2477 of the Code.

The court says: "The bills do not allege such notice; but the contention of the complainants, appellees here, is that they were not sub-contractors, and therefore no such notice was necessary.

"The decision of this question depends upon the construction of the contract between Mahony and Ryan, under which the buildings on the lot were erected."

The Committee on Finance Committee Hears From the School of the committee was necessary.

The decision of this question depends upon the construction of the contract between Mahony and Ryan, under which the buildings on the lot were erected."

upon the construction of the contract between Mahony and Ryan, under which the buildings on the lot were erected."

A contract was made between G. G. Ryan, of Richmond, and D. H. Mahony, of Philadelphia, by which Ryan agreed to purchase a lot of land in the city of Richmond from Mahony for \$4,500, and to build upon a portion of the lot two houses for Mahony, taking the lot (valued at \$5,300 and \$2,400 in full payment. Ryan also agreed to build for himself three other

one of the three houses, took it subject to those liens.

The court uphoids the report of the commissioner, declaring it "clearly right," and concluding, says:

"We are of opinion, therefore, that there

is no error in the decree appealed from to the prejudice of the appellants, and that it should be affirmed."

# Summary. By the Court Wood's Administratrix vs. Southern Railway Company. Circuit Court of Amherst county. Upon petition

By Judge John A. Buchanan: Selden's

rs, Commonwealth, Circuit Court of Henrico county, Roversed. Selden, Substituted Trustee, vs. Brooke, Collector. Court of Law and Chancery of city of Norfolk. Affirmed.

Petitions for Appeal, Etc.
Berkley Street Rallway Company vs.
impson. Circuit Court of Norfolk coun-Writ of error and supersedeas. Bond,

\$1,000.

Richardson vs. Ash et als. Circuit Court of Gloucester county. Appeal and supersedeas. Bond, \$500.

Norfolk and Western Railway Company vs. Carr. Circuit Court of Norfolk county. Writ of error and supersedeas. Bond,

Corporation Court of city of Newpo News. Writ of error refused.

### IN HIGHEST COURT.

### Summary of Proceedings Yesterday in Supreme Court.

that unless Ewell Rose, appellant in the case of Rose vs. Commonwealth, shall be in the custody of omeers of the law by February 14th, and notification to this effect, shall be before the court, the writ of error and supersedeas heretofore granted shall be null and void. Rose was heavily fined and sentenced to jull for the alleged sale of whiskey in Warren county. He disappeared from the courtroom on the day of his conviction and has not since been apprehended. His counsel, on his behalf, appealed to the Supreme Court, and secured a writ of error, Which the attorney-general recentive moved to have dismissed on the remarkable ground that the appellant is a fusitive from justice in his own case. The proceedings of the Supreme Court of appeals yesterday were as follows:

French, by &c. vs. Vradenburg's Executors et al., argued by W. W. Old for the appellant and C. B. Garnett and J. Boyd Sears, for the appelles, and submitted.

Aragon Coffee Company vs. Rogers.

Boyd Scars, for the appellees, and submitted.

Aragon Coffee Company vs. Rogers, partly argued by H. W. Goodwyn, for plaintiff in error, and continued.

Next ten enses to be called:
Town of Phoebus vs. Manhattan Social Club, Tidowater Quarry Co. vs. Scott, Marback vs. Holmes, Milkle vs. Richmond Traction Company, Norfolk Portsmouth and Newport News Co. vs. City of Norfolk, Norfolk and Western Railway Company vs. Serugas, Walker's Administrators vs. Potomac, Fredericksburg and Piedmond Railroad Company, Pope vs. Prince's Administrator, and Wasserman vs. Metzger and others, Freston vs. Johnson.

### Operated On Mrs. Purnell.

Mrs. Thomas R. Purnell, wife of Judge Purnell, of the Eastern District Federal Court, of North Carolina, has undergone pital, where she has been for two months or longer under treatment, part of the time in a very critical condition. She had wellnish recovered a week ago, and Judeg Purnell came to Richmond intending to take her home, but there were developments that made a second operation absolutely necessary, and it will be a month or more before she can possibly leave.

## Water Committee,

The Water Committee held a short meeting last night and spent nearly all of the time auditing and ordering the payment of the nignal bills incurred by the water department. The application of the Richmond Foundry and Machine Company for the extension of a water main to their establishment on the Hermitage Road, beyond the city limits, was referred to Superintendent Heiling for investigation and report at the next meeting.

Children Make Good Marks. Personals and Briefs.

be incorporated into a municipality. There is a strong sentiment in favor of such a move now and the citizens of the thriving little suburb of Manchester are dis-

the board of supervisors of Chesterfield and they are not loth in expressing this in the upper part of Swansboro have to come to Richmond early in the mornings and besides the danger of their being on the dark streets unprotected at such an early hour, there is the inconvenience

per Hull Street, and if the place should

It is understood that Ettricks, a place much smaller than Swansboro, in Chester-field county, has electric lights, furnished to know why they are given the worst of the bargain.

Honor Roll of Schools.

Hobor Roll of Schools.

Principal A, H. Fitzgerald, of the public school, has made out the following honor roll for the month;

First Frimary—Eldridge Puckett, Parket Weisiger, Irene Andrews, Bessie Adams, Esta Cass, Louise Wilkinson.
Scood Primary—Ray Royall, Milton Staples, Sullivan Neal, Bernard Gibbs, Margaret Brooks, Ella Reams, Jane Shepherd, Edna Starke, Minnie Booth, Maude Kelley, Hazel Link, Mabel Williams, Third and Fourth Primary—Frank Baldy, Orni Eass, Garnett Campbell, Ot s Ely, George Goodins, Maury Green, Edgar Saunders, Brnest Smith, John Starte, Leon Williams, Wm. Williams, Vernon Worsham, Fred Wright, Laura Anderson, Frances Balley, Mildred Bass, Gaynell Curry, Louise Johnson, Laura Owen, Edward Bass, Philip Bullfunt, Marshall Green, Paul Hood, Heath Percyul, Etnest Taylor, Daniel Worsham, Henry Jones, Taylor, Daniel Worsham, Henry Jones, Mary Bishop, Beatrice Brewer, Lizzle Brooks, Ruby Clary, Jane Elam, Mimie Martin, Virginia Onesty, Violet Pettigrew, Edna Powell, Elise Young, Katherine Stein.

rish.
Sixth Primary—Clara Gill, Mabel Baugh,
Illile Starke, Vivian Royall, Earl Belcher, Arthur Roynolds,
Flist Graumar "A"—Elma Andrews,
Louise Jones, Lilly Wilkinson, Frank
Dunford.

ter Duke, Moselle Reams, Alma Roach, Helen Curroll, Bessie Nance, Lueille Reams, Estelle Brewer, Mary Betty, Mollie Bass, Wille Gibbs, Alan Wright. Second Grammar "B"—Mabel Watten, Curtis Ford Third Grammar "A"—Lizzie Dennis, Lizzie Fry, Lorelle Neal, Corinne Locket, Heatrice Scroggins, Harvey Clopton, Rachell Hague, Esbelle Turner, Ernest Spain, Clifton Cook, Mitchell Stein, Third Grammer "B," Fourth Grammar "B"—Sallie Blankenship, Nellie Deitrick, Lyle Gary, Lella Hooper, Hazel Kidd, Ainle Redford, Nannie Vaden, Cornela Walker, Fourth Grammar "A"—Mary Fry.

Personals and Briefs.

Personals and Briefs.

Personals and Briefs.

J. A. Neary was fined 310 by Mayor Maurice yesterday, on the charge of being disorderly on a street ear.

Oscar, the child of Mr. and Mrs. R. D. Overton, is very ill at its home. 90 Hull Street.

Mrs. Landon Taylor, is confined to her home, in Swansboro, with sickness.

A box party was given at the home of Mrs. C. A. Raines in Swansboro last night, and the proceeds went to the benefit of Select Council, Daughters of Liberty.

The school board met last night, and transacted routine business. A vote of thanks was extended to Masters Raymond Paul and Kenneth McFall, who presented to the school an American flag. Mr. C. V. Jones, of West Fifth Street, left this week to visit friends in Baitlmore.

The condition of Mrs. D. E. Baber, who more.
The condition of Mrs. D. E. Baber, who has been very ill with pneumonia is much

Mr. E. H. Wells, who has been suffer-ing from La Grippe, is able to attend to his duties his duties.

Mr. J. S. Lanier, who has been suffering from nervous prestration for some time, is improving rapidly.



# CITY'S BUDGET

Representatives of Charitable

### REPORT FROM THE SCHOOL PLACE ON GROUND FLOOR

cial meeting last night to hear from the representatives of the hospitals and other nual appropriations. This was in order o learn their wants, so as to determine budget when the same shall be made up. Eight or ten good women who are con-

committee's meeting. Mr. Meredith ask-ed that the appropriation for the library be increased from \$1,000 to \$1,500. Colonel Peyton R. Carrington, who was accompanied to the meeting by several ladies, spoke for them in the interest of

tion. -This hospital has not heretofore been

Relief for Hospitals.

Dr. Charles R. Robbins on behalf of the Memorial Hospital asked that the appropriation be made large enough to cover the hospital's gas and water bills, and he produced the figures to show that it will require about \$1,500. The last appropriation was \$500.

The Virginia Hospital, represented by Dr. Hugh M. Taylor, also asked that the new appropriation be increased sufficiently to cover gas and water bills.

Councilman T. H. Ellett spoke for the Home for Needy Confederate Women, and also for the Spring Street Home and asked \$200 for the former and \$300 for the latter.

Dr. Jones, colored, asked for a small appropriation for the Woman's Central League Training School and Hospital, located on North Third Street, Mr. Spence sai dhe had understood that the hospital had been cut off from the training school and he thought if any appropriation was made in the budget in that direction it should go to the hospital, Mr. Spence was appointed a sub-committee of one to investigate the matter and report.

The committee took no action on the appropriations asked. Monday night was

appropriations asked. Monday night was set for the next meeting at which time the committee will take up the "wants" of streets, grounds and buildings, James River improvement and the fire depart-

# MRS, BURTON

## Gans-Rady's **Exclusive Garments** At Clearance Prices.

Not a few but hundreds of them--Suits--Overcoats and Rain Coats--which sold at \$22.50, \$25.00 and \$28.00--sale price for choice, \$14.75.

Gans-Rady Company

### What Money Burton Had.

What Money Burton Had.

The paper goes on to say that the complainant learns that Burton was recently arrested in this city on a charge of obtaining money under false pretenses, and that when arrested there was found on his person \$200 in money, New York exchange from a Baltimore bank for \$350, and from the Planters National Bank, of this city, for \$200, making \$750 in all, and this is now held by C. H. Talley or E. B. White, of the Police Court, and J. C. Smith, city sergeant. She further says that papers were also found on Burton, which show that he has other money outside of Virginia, and she wants the court to require him to tell where it is, so that she may get a chance at it also. She learns that he is about to assign or transfer all of this money, and she prays for an injunction to prevent him from so doing.

Mrs. Burton furthermore prays the court to ascertain what is reasonable and proper for her to have for past and future support, as well as costs for this suit, and for attorneys' fees, and that attachment issue against Talley, White, Smith and Creekmore for Burton's money in their hands, and that they be enjoined from otherwise disposing of same, and if the court deems necessary, a receiver be ap-

## Temporary Injunction. Judge Grinnan carefully read the pa-pers and directed Clerk Saville to issue the following orders: The Commonwealth of Virginia.

To the Sheriff of the City of Richmond

## Paper Served On Burton.

took them and scanned them himself.
As he handed the documents back to the
officer the vials of his wrath opened up in great shape. As he talked somewhat excitedly his remarks were liberally punctured with big cuss words not fit to

print.

"Talk about my selling her property." said he, "and spending her money. Why, sir, she never owned as much as a brick in her life, and nobody ever heard of her having any money. She and her lawyers will have a lively time getting any of my money. Yes, I have money—a good deal more of it than she thinks. I have it, and I am going to keep it from her, too." Changing the subject, Burton spoke of his jail life, his language still punctuated with oaths. He said it was very lone-some there, and he was much cramped, not being allowed to leave the third floor at any time, and being confined to his cell at night.

The prisoner was as neatly dressed and as nicely shaved as if he had just made ready to go out calling. He was liberally supplied with New York, Philadelphia and Richmond papers, and several magazines were seen on the floor of his cell.

Mrs. Burton will remain in the city several days longer to look after the suit she has instituted. She still stops at Murphy's. "Talk about my selling her property."

### BURTON FINED.

Pleads Guilty to Misdemeanor Charge.

## MANY MERCHANTS ADDED TO LIST

Police Turn in Long List of Those Charged With Ordinance Violation.

COUNCIL WILL GIVE RELIEF

Mr. Pollock States That City Attoney is Now Drawing Ordinance for Passage.

request of members of the Council, pre Common Council on the night of Feb who are now charged with violating the city's laws by obstructing the sidewalks with show-cases, signs, etc. Two score or more merchants were in

Police Court yesterday morning to answer

had for years been doing business as they are now conducting their business, and that a remedy would be made, "Technically, I suppose almost every one is guilty. Your Honor," said Mr. Pol-lock, "but these men have been enjoying these rights for years, and there is not a member of the Council who is not pro-gressive enough to see in a minute that a rigid enforcement of this ordinance at this time would mean great harm to our

on the ordinance that is to be drafted by the city attorney.

Mr. Nathan Helistern, proprietor of a store at No. 432 East Broad Street, was reported by Officer Schlief and Mayor McCarthy was a witness against him. On the Fifth Street side of this house a board had been nailed. The board projected two inches on the sidewalk. Mr. Helistern said that the advertisement on the board was paid for in tickets from

Chesterfield Shoe Company, J. H. Feld ner, N. Cohen, Sycle and Company, G B. Cocke, Boston Shoe Repair Company B. Cocke, Boston Shoe Repair Company,
D. Gutman, J. L. Johnson, H. Goldwater,
H. Schert, M. Rose, New York Shoe
Company, Daniel Hutzler, J. Hughes,
Simon Bowman, S. Christian, Jake Myers,
J. W. Tyler, C. M. Miala, C. Leedwig,
K. Fisher and Son, Theo. Nelson, Mrs.
Julia Bear, J. R. Goode and Son, W. A.
Cheatwood, Clements and Son, a Sinshelmer, L. Buck, E. Jacobs, J. Leewitand Son, W. Welmileld, Joseph Johnson,
Loszuh Hulcher, Hoffheimer, H. Hyons, sheimer, L. Buck, F. Jacobs, J. Leewight, and Son, W. Welmileld, Joseph Johnson, Joseph Hulcher, Hoffheimer, H. Hyoms, Slmon Corwell, L. Want, M. Amster, G. Marks, E. T. Faulkner and Commany, The Cohen Company, Wright and Woodall, Richmond Art Company, Donald, Parrish Bros., A. Schwartz, Tompkins, Jerry Morans, Richmond Pressing Company, D. W. Mallory, Vincent Grande, W. T. Smith, R. W. Faris, E. Cohen, Samuel S. Rossendorf, Henry Schurman, Cox and Shea, Burk and Commany, N. Weinsteln, R. Schumaker, Buldwin and Brown, Levy Myer, Harry Marlmon, S. Jackson, Watsky Bros.

### JOINT DISCUSSION.

Major Edmonson and Mr. Kerns Address Their Constituents.

Address Their Constituents.

(Special to The Times-Dispatch.)
SOUTH BOSTON, VA., Jan. 23.—A large and sonthusiastic crowd of voters frome all parts of Haiffax county greeted Major H. A. Edwondson, or this place, and H. O. Kerns, and the Constituent of Sutherlin, at the Opera House to-nisht, who addressed the people in bohaff or the Machany days for the State Senair to all the vacancy for the State Senair to all the vacancy in the Constituent of t People in Staunton.

(Special to The Times-Dispatch.)
STAUNTON, VA., January 25.—Mr.
Harry St. George Tucker, president of
the Jamestown Exposition, is in the city.
Mr. Isaac Wits has returned from
Washington, and is somewhat improved.
He is suffering from paralysis. Mr. Southall Improves.

The condition of Congressman Robert G. Southail, of Amelia, who is wick at the Westmoreland Club, was somewhat improved lastinght.

The Times-Dispatch has arranged to continue the publication of the gen-

and give information concerning their inand give information concerning their in-stitutions, and some of them addressed the committee.

The Rosemary Library was represented by Mr. Wydham R. Meredith, who said he spoke for Mrs. Bagby, whose indispo-sition prevented her attendance upon the

Mr. John B. Minor spoke for the visiting

Relief for Hospitals.

ment.
Superintendent Bolling, of the Water Department, and Chairman Grimes of the Water Committee, presented the "wants" of the water department, the superintendent submitting a complete inventory of all the material on hand and other property of the department. The committee than adjourned to meet Monday night at 8 o'clock.

# dsion for her maintainance and support

vision for her maintainance and support, and since that time has declined to make any provision for her suport, except several payments of \$50 each, made under an order for allimony entered by a Philiadelphia court in a suit brought by her for divorce; that the said suit for divorce was begun in 1991, but the decree for allimony was not available because Burton could not be found, and the papers could not be served on him; that she is without means of support, except what little she can earn by her own work; that while she had some money and properly of her own when she married Burton, at his solicitation the property was disposed of and the proceeds spent by him before ne deserted her.

The pretitioner is advised, says the paper, that under the law Burton should provide support for her pending Mr. J. S. Lanier, who has been suffering from nervous prostration for some time, is improving rapidly.

RHEUMATISM

WUNYON'S

RHeumstism Care relieves a list of the paper, that under the paper, that under the law Burton needs a list of the paper, that under the law Burton needs spend her.

The petitioner is advised, says the paper, that under the law Burton needs spend her.

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The petitioner is advised, says the paper, that under the law Burton needs spend by a jury. The fine may be a clear of his final acquittal of all the changes against him, he will, in all probability part the fine imposed upon him that under the relevant part of his final acquittal of all the changes against him, he will, in all probability part the fine imposed upon him a five description of him the system, that under the relevant needs the petal and by a jury. The fine was not paid and by a jury the fine imposed upon him a five spending the paper, that under the law Burton now under salte representations, plend midwas fined size repres

### In Police Court yesterday morning A